IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Bail Appl..No. 1999 of 2007

CMP.627/2006 of DISTRICT COURT, PATHANAMTHITTA
CRMP.1566/2007 of J.M.F.C.-I,PATHANAMTHITTA
CRIME NO.563/2006 OF ARANMULA POLICE STATION

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: PETITIONERS/ACCUSED 1 & 3

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1. VIJAYAKUMAR, S/O.GOPI,
THYNILKKUNNATHIL VADAKKETHIL HOUSE,
NELLIKKAL MURI, NELLIKKAL, KOIPURAM VILLAGE,
THIRUVALLA TALUK.

2. BABY, S/O.GEORGE, ALUNILKUM
PADINJATTETHIL HOUSE, PENNUKARA MURI,
ALA VILLAGE, CHENGANNOOR.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: STATE/COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,
ARENMULA.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1999/2007

Dated this 3rd day of April, 2007

O R D E R

The petitioners, who are accused Nos. 1 and 3 in Crime No.563/2006 of Arenmula Police Station for offences punishable under Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Sand Mining Act, 2001 and Rules 48 and 58(1) of the Kerala Mines and Minerals Rules and Sections 279 and 308 IPC, seek their enlargement on bail. They surrendered before the Investigating Officer on 13.3.2007 and after interrogation, were produced before the concerned Magistrate who remanded them to judicial custody.

2. The learned Public Prosecutor opposed the application.

3. The occurrence took place on 29.12.2006 at 10.30 p.m on the Kozhencherry-Chengannur road. A mini lorry driven by the first accused, with the fourth accused as the cleaner, was intercepted by the Sub Inspector of Police, Arenmula and his police party. On being asked to stop the vehicle, they not only did not stop the vehicle but at the exhortation of the fourth accused to kill the Sub Inspector, all of a sudden A1 drove the lorry with a view to knock down the Sub Inspector, whose

timely avoidance, saved himself from being run over by the lorry. While so, accused Nos. 2 and 3, who were following the lorry on a motorbike, closed the toll gate at the Mangalam Bridge preventing the police party from chasing the mini lorry.

4. Having regard to the facts and circumstances of the case, even though I am inclined to grant bail to the petitioners, it can only be from a future date. Accordingly, the petitioners are directed to be released on bail with effect from 9.4.2007, on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M-I, Pathanamthitta and subject to the following conditions:

(a). The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

(c). The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

(d). The petitioners shall not commit any offence while on bail.

5. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

The application is allowed as above.

V.RAMKUMAR,
JUDGE

mrcs